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January 29, 2002

PATENT APPLICATION  
Attorney's Docket No.: 2825.1009-004  
Expedited Procedure under 37 CFR 1.116  
Examining Group 1655

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Eric S. Lander, David M. Altshuler, Victor J. Pollara and Christopher Cowles

Application No.: 09/407,660 Group: 1655

Filed: September 28, 1999 Examiner: D. Johannsen

For: Pre-Selection and Isolation of Single Nucleotide Polymorphisms

**CERTIFICATE OF FACSIMILE TRANSMISSION**  
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office:  
on 1/30/02 Stephanie L. Carta  
Date Signature  
Stephanie L. Carta  
Typed or printed name of person signing certificate

AMENDMENT AFTER FINAL REJECTION

Box AF  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This Amendment is being filed in response to the Office Action mailed from the U.S. Patent and Trademark Office on July 30, 2001 in the above-identified application. Reconsideration and further examination are requested.

A three-month extension of time to respond to the Final Office Action dated July 30, 2001 is respectfully requested. A Petition for Extension of Time and the appropriate fee are being filed concurrently with this Amendment. A Notice of Appeal is also being filed concurrently.

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-2-

Please amend the application as follows:

In the Claims

Please cancel Claims 43 and 45.

Please amend Claims 1, 12, 14, 24, 28, 31, 42, 44, 46, 47, 48, and 49. Amendments to the claims are indicated in the attached "Marked Up Version of Amendments" (pages i - vi).

1. (Twice Amended) A method for detecting a collection of polymorphisms from nucleic acid molecules in a sample, consisting essentially of the steps of:
  - a. obtaining a non-PCR amplified nucleic acid-containing sample;
  - b. treating the nucleic acid molecules in said sample to produce a reduced representation of nucleic acid fragments isolated in a sequence-dependent manner by a method comprising:
    - i. fractionating said nucleic acid molecules to produce nucleic acid fragments; and
    - ii. isolating a subset of said nucleic acid fragments,wherein either (i) or (ii) or both (i) and (ii) are performed in a sequence-dependent manner;
  - c. detecting pairs of fragments from the same chromosomal location in the reduced representation, wherein pairs of fragments from the same chromosomal location are orthologous sequences; and
  - d. comparing orthologous sequences to detect polymorphisms between said sequences,thereby detecting a collection of polymorphisms.
12. (Amended) The method of Claim 1, wherein step (b)(ii) is performed by isolating nucleic acid fragments which hybridize to isolated additional nucleic acid sequences.



09/407,660

-2-

Please charge Deposit Account No. 08-0380 for the following fees:


[X]	Petition for three month Extension of Time	\$	920
[X]	Amendment Fee	\$	1134
[X]	Other Fees:		
	Notice of Appeal	\$	320
		\$	
		\$	
	TOTAL:	\$	2374

A check is enclosed in payment of the following fees:

[ ]	Petition for Extension of Time	\$	
[ ]	Amendment Fee	\$	
[ ]	Other Fees:		
		\$	
		\$	
		\$	
	TOTAL:	\$	

[X] A general authorization is hereby granted to charge Deposit Account No. 08-0380 for any fees required under 37 C.F.R. 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.

Respectfully submitted,  
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By   
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Dated:

1/30/02

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LMT/JMC/BPT/slc

PATENT APPLICATION  
CKET NO. 2825.1009-004  
(WHIFG98-16pA)

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Eric S. Lander, David M. Altshuler, Victor J. Pollara and Christopher Cowles

Application No.: 09/407,660

Group: 1655

Filed:

September 28, 1999

Examiner: Johannsen, D.

For:

Pre-Selection and Isolation of Single Nucleotide Polymorphisms

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231	
on <u>3-13-01</u>	<u>Lisa M. Treanor</u>
Date	Signature
<u>Lisa M. Treanor</u>	
Typed or printed name of person signing certificate	

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith is an Amendment for filing in the above-identified application.

- [ ] Small entity status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a Small Entity Statement previously submitted.
- [ ] A Small Entity Statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

The fee has been calculated as shown below:

(COL. 1)	(COL. 2)	(COL. 3)
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA
TOTAL 45	MINUS * 45	0
INDEP 6	MINUS ** 6	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM		

- \* not fewer than 20  
\*\* not fewer than 3

SMALL ENTITY	
RATE	ADDIT. FEE
X \$9	\$
X \$40	\$
+ \$135	\$

TOTAL = \$ 0

OTHER THAN SMALL ENTITY	
RATE	ADDIT. FEE
X \$18	\$
X \$80	\$
+ \$270	\$

TOTAL = \$ 0

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Please charge Deposit Account No. 08-0380 for the following fees:

<input checked="" type="checkbox"/>	Petition for three (3) month Extension of Time	\$ 890
<input type="checkbox"/>	Amendment Fee	\$
<input type="checkbox"/>	Other Fees:	\$
		\$
		\$
	TOTAL:	\$ 890

A check is enclosed in payment of the following fees:

<input type="checkbox"/>	Petition for three (3) month Extension of Time	\$
<input type="checkbox"/>	Amendment Fee	\$
<input type="checkbox"/>	Other Fees:	\$
		\$
		\$
	TOTAL:	\$ 0

☒ A general authorization is hereby granted to charge Deposit Account No. 08-0380 for any fees required under 37 C.F.R. 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

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Lexington, Massachusetts 02421-4799  
Dated: March 13, 2001